(c) if not, what steps the Central Government have taken to clear the name of that officer?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS. (SHRI S.R. BALASUBRAMONIYAN): (a) to (c) Information is being collected and will be laid on the Table of the Sabha.

मध्य प्रदेश सरकार द्वारा केन्द्रीय अन्वेषण ब्यूरो को भेजे गये मामले

1804. **श्री राघवजी:** क्या **प्रधान मंत्री** यह बताने की कृपा करेंगे कि:

(क) मध्य प्रदेश सरकार द्वारा केन्द्रीय अन्वेषण ब्यूरो को भेजे गये उन मामलों का ब्यौरा क्या है, जो 15 जुलाई, 1997 को लंबित थे;

(ख) उन मामलों का ब्यौरा क्या है और वर्तमान में उनकी प्रगति क्या है; और

(ग) लंबित मामले कब तक सुलझा लिये जाने की संभावना है?

कार्मिक, लोक शिकायत और पेंशन मंत्रालय में राज्य मंत्री तथा संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री एस०आर० बालासुब्रहमण्यन): (क) से (ग) केन्द्रीय अन्वेषण ब्यूरो द्वारा दी. गई सूचना के अनुसार 15 जुलाई, 1997 तक की स्थिति के अनुसार मध्य प्रदेश सरकार ने कुल तीन मामले केन्द्रीय अन्वेषण ब्यूरो को भेजे जो कि जांचाधीन हैं। इन सभी मामलों में जांच कार्य के पूरे होने के पश्चात् कानून के अनुसार कार्रवाई की जाएगी।

Outdated Laws on Corruption

1805. SHRI ANANTRAY DEVSHANKER DAVE: Will the PRIME MINISTER be pleased to state:

(a) whether Government's attention has been drawn to a news item entitled 'Outdated laws net the innocent, but let off corrupt officials' which appeared in the Times of India, dated the 19th May, 1997;

(b) if so, Government's reaction thereto; and

(c) the corrective measures Government propose to take in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.R. BALASUBRAMONIYAN): (a) to (c) Yes, Sir, As far as prior sanction of the Central Government or the State Government under the Prevention of Corruption Act, 1988, for prosecution of a public servant in a Court of Law for certain offences is concerned, it is not correct to say that under the provisions of this Act the bureaucrats, including those working in investigating and enforcement agencies have been enjoying immunity. The requirement of prior permission of the Central or State Government has been provided under the law of the country to ensure that there is no prosecution of public servants on frivolous, malicious and vexatious grounds. Sanction for prosecution in cases, where there is prima-facie evidence, is accorded by the competent authorities according to the prescribed procedure. These provisions in the law have stood judicial scrutiny and test of the time. The Hon'ble Supreme Court of India in R.S. Nayak Vs. A.R. Antulay in Criminal Appeal No. 356 of 1983 and Transferred case No. 347 of 1983 ruled that grant of sanction for prosecution is not an idle formality but a solemn and sacrosanct act which removes the umbrella of protection of Government servants against frivolous prosecutions and the aforesaid requirement must, therefore, be strictly complied with before any prosecution could be launched against public servants. The above provisions in the Prevention of Corruptions Act, 1988, have been meeting the objective for which these were made.

The Central Bureau of Investigation (CBI) derives its police powers from the Delhi Special Police Establishment (DSPE) Act, 1946 to investigate offences or classes of offences pertaining to corruption, economic offences and special crimes involving public servants and others and is governed by the IPC, Cr. P.C. Indian Evidence Act, and other laws of the country while discharging its duty. It is accountable to the judiciary and does not function in a selective manner or discriminate between various classes of people while enforcing the rule of law. The comprehensive legislation and statutory provisions under various laws of the country such as Indian Penal Code, Criminal Procedure Code, FERA, Banking Regulations Act and the Prevention of Corruption Act, 1988 have sufficient and stringent provisions to punish those who are found guilty. With a view to eradicate corruption from public life, the Prevention of Corruption Act was originally enacted in 1947. This Act has further been strengthened by the re-enactment of Prevention of Corruption Act, 1988, which is more comprehensive. It is, therefore, not correct to say that the anti-corruption laws in the country are outdated. The Act is applicable equally to all the public functionaries irrespective of their position, which is evidence from the various important public functionaries recently charge-sheeted by the CBI in the Courts of Law. A large number of cases being referred to the CBI for investigation by the State Governments High Courts and the Supreme Court of India is clearly demonstrative of the faith in the quality of investigation by the CBI.

Permission to CBI for SLP in Hawala Case

1806. SHRI NILOTPAL BASU: Will the PRIME MINISTER be pleased to state:

(a) whether it is fact that the CBI has requested Government for granting permission to file Special Leave Petition in the Supreme Court, against the order of the High Court in Hawala case;

(b) if so, Government's response and if it is positive, when the petition is going to be filed; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.R. BALASUBRAMONIYAN): (a) Yes, Sir.

(b) and (c) SLP has been filed on 18.6.1997.

Sanction for prosecution by CBI

1807. SHRI AMAR SINGH: Will the PRIME MINISTER be pleased to state:

(a) what are the names of the persons against whom sanction for prosecution sought by the CBI is still pending and since when;

(b) what are the reasons for not granting permission in each case; and

(c) by when the sanction is proposed to be accorded?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.R. BALASUBRAMONIYAN): (a) to (c) As per information funrished by the CBI, as on 30.6.97, a total of 149 cases of sanction for prosecution in respect of various persons were pending with the concerned Ministries/Departments of the Government of India and the State Governments etc. from the respective dates of reference made by the CBI.

Sanction of the competent authroity under Section 197 of the Criminal Procedure Code, 1973 and Section 19 of the Prevention of Corruption Act, 1988 is pre-requisite to prosecute a public servant in a Court of Law. The responsibility for maintaining purity and integrity in his organisation vests with the Secretary/ Head of the Department of a Ministry/